



**COLORADO RIVER COMMISSION**  
OF NEVADA

**STATEMENT REGARDING SMALL BUSINESS IMPACT (NRS 233B.0608)**

**Proposed Regulation of the Colorado River Commission of Nevada**

**LCB File No. R148-13**

**Implementing the federal Hoover Power Allocation Act of 2011 and A.B. 199 enacted in the 2013 Nevada legislative session, and providing for other administrative updates**

Pursuant to NRS 233B.0608 (1), the staff of the Colorado River Commission of Nevada ("Commission") has made a concerted effort to determine whether the proposed regulations are likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business, and has concluded that neither of these conditions will result from adoption of the proposed regulations, for the reasons set forth below.

The Commission has received power from the Boulder Canyon Project (Hoover Dam) since 1937 through contracts with the federal government, and has been involved in the marketing and allocation of Hoover power through the initial process in 1937 and again in 1987. The proposed regulations are necessary for the Commission to implement the provisions of the Hoover Power Allocation Act of 2011 (HPAA) and Nevada's A.B. 199. These laws instruct the Commission to allocate electrical power from Hoover Dam and execute power contracts for delivery of power beginning on October 1, 2017. The proposed regulations also update other administrative provisions of NAC 538. Implementation of these laws through the Commission's regulations imposes no direct impact on small businesses, and does not restrict the formation, operation or expansion of small businesses.

The proposed regulations in part:

- Revise provisions governing practice and procedures before the Commission that pertain to how hearings, public processes and in particular the hydropower marketing and allocation process, will be conducted and how to participate;
- Revise provisions regarding the marketing and allocation of power to current contractors;
- Adopts provisions governing the marketing and allocation of certain power from Hoover Dam to new allottees;

- Revise various provisions governing electric power contracting by the Commission, and other matters addressed in NAC 538; and
- Revise current risk management procedures and adopt additional risk management procedures.

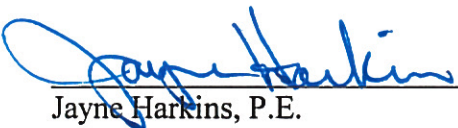
The Commission procedures are the same for any entity involved in a current contract with the Commission or applying for a new allocation, regardless of whether it is a small business, a municipality, a political subdivision or whether a current customer, or potential customer. Members of the general public are encouraged to participate in Commission meetings, workshops and public hearings as allowed under Nevada Open Meeting Law. There is no expected burden to any entity regarding practice and procedures. Participation in obtaining power from Hoover Dam through the Commission is voluntary. In the past, the Commission has not imposed fees or other charges on applications for an allocation of Hoover Dam power, nor do these proposed regulations propose to implement such fees or charges to any applicant. Once new Hoover power allocations are offered, the applicant has a right to refuse the allocation with no cost or penalty. If the offer is accepted, then the applicant voluntarily enters into power supply contracts with the Commission for Hoover power.

The Commission has determined that these regulations have no impact to small businesses because:

- (1) Participation is voluntary;
- (2) Any entity that meets the requirements may apply;
- (3) The proposed regulations implement provisions of the HPAA and A.B. 199; and
- (4) The proposed regulations do not impose a fee or other charge in the application process.

I, Jayne Harkins, Executive Director of the Commission certify that to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Dated this 2<sup>nd</sup> day of April 2014.

  
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Jayne Harkins, P.E.  
Executive Director